IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4197 of 2006()

CRA.184/2004 of ADDL. SESSIONS COURT (ADHOC) I, THODUPUZHA
CC.314/2001 of JUDL. MAGISTRATE OF FIRST CLASS COURT, ADIMALI

REVN. PETITIONER: APPELLANT: ACCUSED:

K.G.MANOJ, S/O.GOPINATHAN NAIR,
ASSISTANT DEPOT ENGINEER, KSRTC,
MUKKUDOM P.O., KAMBILYKANDOM,
IDUKKI DISTRICT.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENTS: RESPONDENTS: STATE & COMPLAINANT:
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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. JOSEPH THOMAS, S/O.THOMAS,
AREEKKAL HOUSE, IDUKKI PARATHODE P.O.

R2 BY ADV. SRI.A.RAJAGOPALAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

Crl.R.P.NO. 4197 OF 2006

Dated this the 28th day of November,2006

O R D E R

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo imprisonment for three months and was directed to pay a sum of Rs.1,50,000/- as compensation to the complainant. On appeal by the accused, the Appellate Court confirmed the conviction and sentence and dismissed the appeal.

2. Crl.M.A. No.12126 of 2006, signed by the complainant and the accused and their counsel, filed under Section 147 of the Negotiable Instruments Act was allowed.

3. In the result, the Criminal Revision Petition is allowed, the conviction and sentence

imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure. The accused shall be released from jail forthwith if his detention is not otherwise required in any other case.

It is submitted by the counsel that as directed by the Appellate Court amounts have been deposited by the accused before the trial court. They submit that as per the terms of the compromise, the second respondent/complainant is entitled to withdraw the same. There will be a direction to the trial court to release to the complainant the amounts deposited by the accused.

Issue photocopy of the order today itself.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 12126 OF 2006

Dated this the 28th day of November,2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the second respondent/ complainant. It is stated that the matter is settled between the parties. Hence the application is allowed.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 12082 OF 2006

Dated this the 28th day of November,2006

O R D E R

This is an application for condonation of the delay of 193 days in filing the Revision. The petitioner is now undergoing imprisonment. The affidavit is sworn to by the wife of the revision petitioner. The disputes between the petitioner/ accused and the complainant have been settled and an application is filed under Section 147 of the Negotiable Instruments Act. In these circumstances, the delay is condoned. Number the application as well as the Revision.

(K.T.SANKARAN)
Judge

ahz/